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STATE DOCUMENTS

Jun 1977

Eleventh Annual Report

OF THE

State Board of Pardons

OF THE

STATE OF MONTANA

TO HIS EXCELLENCY;
ROBERT B. SMITH:
GOVERNOR OF MONTANA

DECEMBER 1, 1900

1901
STATE PUBLISHING CO.
STATE STATIONERS, PRINTERS AND BINDERS
HELENA, MONT.





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Eleventh Annual Report

Office of the State Board of Pardons.

Helena, Montana, December 1, 1900.

To His Excellency, Robert B. Smith, Governor of Montana.

In compliance with the requirements of the law of the State, the State Board of Pardons of the State of Montana, herewith submit this, their Eleventh Annual Report, for the fiscal year ending December 1, 1900.

All convicts who have been granted Executive Clemency during the fiscal year last past, as well as those whose sentences have been diminished upon the recommendation of the Board of State Prison Commissioners and the Prison Contractors, (such recommendations having been made in all cases on account of good conduct and work performed upon State Property), all persons restored to citizenship by your Excellency, and all commutations and fines remitted from December 1, 1899 up to and including December 1, 1900, are named in tables I, II, and III inclusive. Table No. IV is a recapitulation showing the number of pardons and diminutions granted during the last two years.

TABLE NO. I.

Shows:

1. Name of Convict Pardoned.
2. Name of County.
3. Absolute or Conditional Pardon.
4. When Pardoned.
5. Date Acted Upon By the Board.
6. Date of Approval of the Governor's Action.

7. Date of Disapproval of the Governor's Action.
8. Offense for which Imprisoned.
9. Term of Sentence.
10. Term of Service.
11. No. of Case.

TABLE NO. II.

Shows:

1. Name of Convict Whose Sentence was Diminished.
2. Name of County.
3. Date of Diminution of Sentence.
4. Date Acted upon by the Board.
5. Date of Approval of the Governor's Action.
6. Offense for which Imprisoned.
7. Term of Sentence.
8. No. of Days Worked.
9. No. of Days Diminished.
10. Term of Service.
11. No. of Case.

TABLE NO. III.

Shows:

1. Name of Person Restored to Full Rights of Citizenship.
2. Name of County.
3. When Restored to Full Rights of Citizenship.
4. Date Acted Upon by the Board.
5. Date of Approval of the Governor's Action.
6. Offense for which Imprisoned.
7. Term of Sentence.
8. Term of Service.
9. No. of Case.

TABLE NO. IV.

Shows:

Number of Pardons granted to inmates of Penitentiary and of County Jails, and Number of Diminutions granted during the Fiscal year ending December 1, 1899 and for the Fiscal year ending December 1, 1900.

TABLE "A"

Shows:

1. Expense Account of State Board of Pardons.

Respectfully Submitted.

T. W. POINDEXTER, Jr.,
State Auditor and President of the Board.

C. B. NOLAN,
Attorney General.

T. S. HOGAN,
Secretary of State and Secretary of the Board.

M. A. McEVILY,
Clerk of the Board.

Table

Name of Convict Pardoned.	Name of County.	Pardon Absolute or Conditional.	When Pardoned.
Adams, J. J.	Sweetgrass, Co. Jail	Absolute	Aug. 29, 1900
Bailey, Charles	Lewis & Clarke, Co. Jail	"	Oct. 6, 1900
Booth, William	Silver Bow	"	July 24, 1900
Darling, William	Deer Lodge	"	May 19, 1900
Dwyer, Patrick	Fergus	"	June 13, 1900
Donnelly, Rolla	Lewis & Clarke, Co. Jail	"	Sept. 18, 1900
Freeman, Alonzo	Dawson	"	Jan. 2, 1900
Firpo, Arthur	Deer Lodge	"	May 19, 1900
Gallegar, Patrick	Missoula	"	July 3, 1900
Geldert, J. C.	Cascade	"	Nov. 16, 1900
Hughes, Barney	Lewis & Clarke	"	Oct. 15, 1900
Jackson, Albert	Lewis & Clarke	"	Nov. 17, 1900
Lambert, H. T.	Valley	"	July 25, 1900
LaRue, John	Lewis & Clarke, Co. Jail	"	Aug. 30, 1900
Lawson, A. P.	Flathead	"	Oct. 6, 1900
Ladhoff, Frank	Park	"	Oct. 10, 1900
McDonald, J. M.	Yellowstone	"	July 24, 1900
Manning, J. A.	Deer Lodge	"	Nov. 23, 1900
Patch, E. J.	Deer Lodge	"	Nov. 23, 1900
Rose, John	Deer Lodge	"	Nov. 15, 1900
Stephens, George F.	Deer Lodge	"	April 10, 1900
Schnepf, Henry	Silver Bow	"	June 25, 1900
Stephens, Sell	Lewis & Clarke, Co. Jail	"	Sept. 4, 1900
Sadler, Thos	Silver Bow	"	Nov. 23, 1900
St. Clair, Ella	Missoula	"	Oct. 10, 1900
Tracey, John	Park	"	Nov. 15, 1900
Edwards, Burt	Silver Bow	"	Nov. 23, 1900

No. 1.

Date Acted Upon by the Board.	Date of Approval of Governor's Action.	Offence for Which Imprisoned.	Term of Sentence.	Term of Service.	No. of Case.
Aug. 29, 1900	Sept. 15, 1900	Carrying Burglars' Tools...	60 days.....	25 days.....	999
Oct. 6, 1900	Oct. 15, 1900	Disturbing Peace.....	60 days.....	25 days.....	1013
July 24, 1900	Aug. 11, 1900	Assault, 2nd degree.....	5 years.....	1 year, 1 mo...	969
May 19, 1900	June 4, 1900	Burglary, 1st degree.....	8 years.....	7 years, 4 mo...	969
June 13, 1900	July 5, 1900	Manslaughter.....	2 years, 6 mo.	1 year, 8 mo...	971
Sept. 18, 1900	Oct. 6, 1900	Ontn'g Mon. False Pretences	6 mo., \$500...	4 months.....	1012
Jan. 2, 1900	Jan. 20, 1900	Murder.....	25 years.....	5 years.....	937
May 19, 1900	June 4, 1900	Burglary, 1st degree.....	8 years.....	7 years, 4 mo...	968
July 3, 1900	July 23, 1900	Murder, 2nd degree.....	37 years.....	7 years.....	980
Nov. 16, 1900	Dec. 1, 1900	Murder, 2nd degree.....	18 years.....	9 years.....	1027
Oct. 15, 1900	Nov. 3, 1900	Grand Larceny.....	11 years.....	5 years.....	1019
Nov. 17, 1900	Dec. 3, 1900	Murder.....	Life.....	20 years.....	1028
July 25, 1900	Aug. 11, 1900	Grand Larceny.....	1 year.....	6 months.....	788
Aug. 30, 1900	Sept. 15, 1900	Vagrancy.....	90 days.....	60 days.....	1000
Oct. 6, 1900	Oct. 23, 1900	Murder, 2nd degree.....	10 years.....	5 years.....	1015
Oct. 10, 1900	Nov. 28, 1900	Manslaughter.....	10 years.....	6 years.....	1023
July 24, 1900	Aug. 12, 1900	Murder, 2nd degree.....	Life.....	5 years.....	983
Nov. 23, 1900	Dec. 11, 1900	Escaping Jail.....	10 years.....	2 years.....	1034
Nov. 23, 1900	Dec. 11, 1900	Forgery.....	5 years.....	2 years.....	1033
Nov. 15, 1900	1900	Assault.....	25 years.....		1026
April 10, 1900	April 27, 1900	Escaping Jail.....	1 yea , 6 mo.	4 mon'hs.....	963
June 25, 1900	July 14, 1900	Grand Larceny.....	1 year.....	6 months.....	972
Sept. 4, 1900	Sept. 19, 1900	Petit Larceny.....	6 months.....	4 months.....	1001
Nov. 23, 1900	Dec. 15, 1900	Assault, 1st degree.....	5 years.....	1 year.....	1035
Oct. 10, 1900	Dec. 1, 1900	Grand Larceny.....	12 years.....	6 years.....	1024
Nov. 15, 1900	Dec. 1, 1900	Manslaughter.....	10 years.....	4 years.....	1025
Nov. 23, 1900	Dec. 1900	Burglary	2 years.....	1 year, * mo...	1035

Table

Name of Convict who Received Diminution of Sentence.	Name of County.	Date of Diminution.	Date Acted upon by the Board.	Date of Approval of Governor's Action.
Alexander, F.	Lewis and Clarke.	July 24, 1900	July 24, 1900	Aug. 9, 1900
Balcour, William	Chouteau	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900
Bradley, Jas.	"	Feb. 5, 1900	Feb. 5, 1900	Feb. 23, 1900
Burkhard, A. E.		Feb. 26, 1900	Feb. 26, 1900	Mar. 13, 1900
Boyd, William	Flathead	Feb. 26, 1900	Feb. 26, 1900	Mar. 13, 1900
Bartlette, E.	Jefferson	Mar. 20, 1900	Mar. 20, 1900	Apr. 2, 1900
Bevan, M. H.	Cascade	July 24, 1900	July 24, 1900	Aug. 9, 1900
Baty, Thos. E.	Dawson	July 24, 1900	July 24, 1900	Aug. 11, 1900
Bertrand, Harry	Jefferson	Sep. 6, 1900	Sep. 6, 1900	Sep. 21, 1900
Biggs, William	Ravalli	Sep. 15, 1900	Sep. 15, 1900	Oct. 3, 1900
Bush, Katie	Silver Bow	Sep. 15, 1900	Sep. 15, 1900	Oct. 6, 1900
Baerth, Arthur	Carbon	Dec. 19, 1899	Dec. 19, 1899	Jan. 8, 1900
Curran, J. P.	Missoula	Dec. 19, 1899	Dec. 19, 1899	Jan. 6, 1900
Cameron, Alex	Gallatin	Mar. 20, 1900	Mar. 20, 1900	Apr. 2, 1900
Chaffey, Fred	Meagher	June 28, 1900	June 28, 1900	July 14, 1900
Cleve, E. J.	Yellowstone	June 28, 1900	June 28, 1900	July 12, 1900
Dorsey, Chas.	Custer	April 2, 1900	Apr. 2, 1900	Apr. 19, 1900
Dillroy, Ma ion	Park	May 21, 1900	May 21, 1900	May 21, 1900
Dehaini-r, Joe	Flathead	July 30, 1900	July 30, 1900	Aug. 14, 1900
Donaldson, John	Cascade	Aug. 10, 1900	Aug. 10, 1900	Sep. 3, 1900
Flynn, Sylvester	Yellowstone	Dec. 4, 1899	Dec. 4, 1899	Sep. 16, 1899
Flanagan, Frank	Beaverhead	Sep. 6, 1900	Sep. 6, 1900	Sep. 26, 1900
Farr, D. L.	Cascade	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900
Fagan, Chas E.	Silver Bow	Oct. 23, 1900	Oct. 23, 1900	Nov. 10, 1900
Grube, Aug.	Gallatin	June 28, 1900	June 28, 1900	July 18, 1900
Hoback, William	Lewis and Clarke	Feb. 21, 1900	Feb. 21, 1900	Mar. 10, 1900
Howard, Frank	Chouteau	Feb. 26, 1900	Feb. 26, 1900	Mar. 13, 1900
Hart, Ed.	Cascade	Mar. 20, 1900	Mar. 20, 1900	Apr. 2, 1900
Hogan, Thos.	Silver Bow	May 9, 1900	May 9, 1900	May 25, 1900
Henry, William	Flathead	Feb. 26, 1900	Feb. 26, 1900	Feb. 26, 1900
Hesley, John	Silver Bow	May 19, 1900	May 19, 1900	May 19, 1900
Hand, Jas	Dawson	July 24, 1900	July 24, 1900	Aug. 11, 1900
Heath, Geo.	Lewis and Clarke	July 30, 1900	July 30, 1900	Aug. 14, 1900
Harmon, John B.	"	Sep. 15, 1900	Sep. 15, 1900	Oct. 3, 1900
Holmes, William	Missoula	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900
Kennedy, Ed.	Madison	Dec. 21, 1899	Dec. 21, 1899	Dec. 21, 1899
King, Thos.	Lewis and Clarke	Feb. 26, 1900	Feb. 26, 1900	Feb. 26, 1900
Kopp, Edwin	Yellowstone	July 30, 1900	July 30, 1900	Aug. 14, 1900
Lawrence, W. J.	Flathead	Aug. 18, 1900	Aug. 18, 1900	Sep. 3, 1900
Miller, Joseph	Silver Bow	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900
Milford, Jas.	Lewis and Clarke	Mar. 11, 1900	Mar. 17, 1900	Apr. 7, 1900
Murphy, Jas.	Custer	Mar. 17, 1900	Mar. 17, 1900	Apr. 2, 1900
Morgan, Walter L.	Ravalli	Aug. 10, 1900	Aug. 10, 1900	Aug. 10, 1900
Murray, William	P rk	Sep. 19, 1900	Sep. 19, 1900	Sep. 19, 1900
Moss, J. W.	Cho'eau	Sep. 15, 1900	Sep. 15, 1900	Oct. 3, 1900
McIntyre, Michael	Lewis and Clarke	Feb. 5, 1900	Feb. 5, 1900	Feb. 24, 1900
McCarthy, George	Flathead	Aug. 18, 1900	Aug. 18, 1900	Sep. 3, 1900
McNeill, R. H.	Beaverhead	Sep. 6, 1900	Sep. 6, 1900	Sep. 26, 1900
McNulty, J. B.	Cascade	Oct. 23, 1900	Oct. 23, 1900	Sep. 15, 1900
Nissem, Gustave	"	Mar. 20, 1900	Mar. 21, 1900	Apr. 7, 1900
O'Brien, E. J.	"	Feb. 5, 1900	Feb. 5, 1900	Feb. 23, 1900
Phillips, Geo. B.	Deer Lodge	Mar. 24, 1900	Mar. 24, 1900	Mar. 24, 1900
Phillips, Richard	Missoula	Oct. 23, 1900	Oct. 23, 1900	Sep. 5, 1900
Pool, Henry	Ravalli	Apr. 2, 1900	Apr. 2, 1900	Apr. 19, 1900
Polk, Perry E.	Cascade	June 28, 1900	June 28, 1900	July 18, 1900
Pelky, John	Flathead	Aug. 28, 1900	Aug. 28, 1900	Sep. 3, 1900
Robinson, Sam	Chouteau	Dec. 4, 1899	Dec. 5, 1899	Dec. 16, 1899
Reno, Amos	Cascade	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900
Robinet, M.	Galath	Aug. 18, 1900	Aug. 18, 1900	Sep. 3, 1900
Sillary, Robert	Silver Bow	Dec. 4, 1899	Dec. 4, 1899	Dec. 16, 1899
Stone, Jas.	Lewis and Clarke	Mar. 17, 1900	Mar. 17, 1900	Apr. 7, 1900
Simington, John	Deer Lodge	June 28, 1900	June 28, 1900	July 16, 1900
Smith, Thos.	Custer	Oct. 6, 1900	Oct. 6, 1900	Oct. 23, 1900
Smith, Burton	Yellowstone	Nov. 17, 1900	Nov. 17, 1900	Dec. 6, 1900
Stephens, Sherman	"	Nov. 17, 1900	Nov. 17, 1900	Dec. 6, 1900
Tillman, Peter	Fergus	Apr. 2, 1900	Apr. 2, 1900	Apr. 16, 1900
Thompson, Chester	Lewis and Clarke	Sep. 6, 1900	Sep. 6, 1900	Sep. 21, 1900
Taylor, Daniel	Flathead	Nov. 17, 1900	Nov. 17, 1900	Dec. 11, 1900
Wall, Ambrey	Madison	June 28, 1900	June 28, 1900	July 18, 1900
Welch, W.	Yellowstone	Nov. 17, 1900	Nov. 17, 1900	Dec. 6, 1900
Cunningham, Frank.	Chouteau	Jan. 10, 1900	Jan. 10, 1900	Jan. 19, 1900

No. 2.

Offense for which Imprisoned.	Term of Sentence.	No. of Days Diminished.	Term of Service.	No. of Case.
Forgery.....	1 year.....	30 days.....	11 months.....	985
Grand Larceny.....	5 years.....	30 ".....	4 years 11 months.....	939
Burglary.....	1 year.....	15 ".....	11 months 15 days.....	943
Forgery.....	1 year.....	30 "	11 months.....	948
Grand Larceny.....	2 years.....	18 "	1 yr. 11 mos. 12 days.....	949
Robbery.....	10 years.....	17 "	9 yrs. 11 mos. 13 days.....	957
Grand Larceny.....	1 year.....	30 "	11 months.....	984
" "	2 years.....	30 "	1 year 11 months.....	986
" "	1 year.....	30 "	11 months.....	1003
Burglary, Second Degree.....	18 months.....	30 "	17 days.....	1008
Assault with Corrosive Acid.....	1 year.....	30 "	11 months.....	1010
Grand Larceny.....	3 years.....	20 "	2 yrs. 11 mos. 10 days.....	935
Burglary.....	1 year.....	15 "	11 months 15 days.....	936
Grand Larceny.....	5 years.....	30 "	11 mon. hs.....	978
" "	1 year.....	30 "	1 year 11 months.....	979
Burglary, Second Degree.....	2 years.....	15 "	11 months 15 days.....	961
" First Degree.....	1 year.....	9 "	17 months 21 days.....	967
Grand Larceny.....	18 months.....	30 "	11 months.....	990
" "	1 year.....	30 "	11 months.....	993
Burglary, Second Degree.....	1 year.....	30 "	11 months.....	932
Illegal Branding of Colt.....	1 year.....	30 "	11 months.....	1006
Grand Larceny.....	1 year.....	60 "	4 years 10 months.....	1021
" "	5 years.....	30 "	2 years 11 months.....	976
Injuring Public Jail.....	3 years.....	30 "	11 months.....	946
Forgery.....	1 year.....	30 "	11 months.....	947
Petit Larceny, Second Offence.....	1 year.....	20 "	11 months 20 days.....	955
Burglary.....	1 year.....	30 "	11 months.....	965
" "	1 year.....	6 "	11 months 24 days.....	951
Manslaughter.....	6 months.....	30 "	5 months 20 days.....	966
Grand Larceny.....	2 years.....	30 "	11 months 20 days.....	987
" "	1 year.....	30 "	11 months.....	989
Forgery.....	2 years.....	30 "	1 year 11 months.....	1009
Burglary, First Degree.....	6 years.....	30 "	1 years.....	1017
Assault, Second Degree.....	2 years.....	10 "	1 yr 11 mos 20 days.....	934
Grand Larceny.....	3 years, 6 mos.	10 "	2 yrs 11 mos 20 da ys.....	950
" "	1 year.....	30 "	11 months.....	990
" "	1 year.....	30 "	11 months.....	995
" "	1 year.....	30 "	11 months.....	941
Robbery.....	17 years.....	7 years.....	10 years.....	952
Forgery.....	2 years.....	25 days.....	1 yr. 11 mos. 5 days.....	956
Grand Larceny.....	1 year.....	10 "	11 months 20 days.....	992
Perjury.....	1 year.....	10 "	11 months 20 days.....	1002
Forgery.....	1 year.....	30 "	11 months.....	1011
Assault, Second Degree.....	1 year.....	15 "	11 months 15 days.....	945
Attempt Grand Larceny.....	1 year.....	30 "	11 months.....	994
Illegal Branding of a Colt.....	1 year.....	30 "	11 months.....	1003
Forgery.....	2 years.....	60 "	1 year 10 months.....	1022
Grand Larceny.....	5 years.....	60 "	4 years 10 months.....	959
Voluntary Manslaughter.....	4 years.....	15 "	3 yrs. 11 mos. 15 days.....	944
Forgery.....	1 year.....	10 "	11 months 20 days.....	954
Assault, Second Degree.....	4 years.....	60 "	3 years 10 months.....	1020
Arson.....	1 year.....	15 "	11 months 15 days.....	962
Burglary, Second Degree.....	1 year.....	30 "	11 months.....	974
Grand Larceny.....	1 year.....	30 "	11 months.....	996
Burglary.....	1 year.....	30 "	11 months.....	933
Assault, Second Degree.....	1 year.....	30 "	11 months.....	910
Grand Larceny.....	1 year.....	30 "	11 months.....	997
Receiving Stolen Property.....	1 year.....	30 "	11 months.....	931
Robbery.....	17 years.....	7 years.....	10 years.....	953
Grand Larceny.....	1 year.....	30 days.....	11 months.....	975
" "	1 year.....	30 "	11 months.....	1018
" "	1 year.....	30 "	11 months.....	1030
" "	1 year.....	30 "	11 months.....	1031
Assault, Second Degree.....	1 year.....	15 "	11 months 15 days.....	960
Grand Larceny.....	1 year.....	30 "	11 months.....	1004
Burglary, First Degree.....	3 years.....	60 "	1 year 17 months.....	1032
" Second "	5 years.....	30 "	1 years 11 months.....	977
"	1 year.....	30 "	11 months.....	1029
Grand Larceny.....	2 years.....	30 "	1 year 11 months.....	988

Table No. 3.

Name of Person Restored to the Rights of Citizenship	Name of County	Date of Restoration	Date Acted Upon by the Board	Date of Approval of Governor's Action	Offense for Which Imprisoned	Term of Sentence	Term of Service	No. of Case
Conley, Thos. N.	Deer Lodge.....	Oct. 6, 1900	Oct. 6, 1900	June 4, 1900	Burglary.....	1 Year.....	1 Year.....	1014
Mathers, Hazel.....	Lewis and Clarke	June 16, 1900	June 16, 1900	Assault.....	5 Ms. \$100 fine	50 Days.....	50 Days.....	970
McGrath, Jas.....	Silver Bow.....	Sept. 6, 1900	Sept. 6, 1900	Attempted Robbery.....	5 Years.....	5 Years.....	5 Years.....	1007
McKay, E. J. (Fine Remitted)	Jan. 10, 1900	Jan. 10, 1900	Jan. 26, 1900	Discrediting the Peace.....	90 Days.....	90 Days.....	90 Days.....	942
Payne, Al. (Fine Remitted)	Aug. 25, 1900	Aug. 25, 1900	Sept. 11, 1900	Assault 3d Degree and Fine of \$100.....	5 Months.....	5 Months.....	5 Months.....	999
Simons, Chas.....	Teton.....	July 13, 1900	July 13, 1900	Aug. 2, 1900	Manslaughter.....	1 Year.....	11 Months.....	981

STATE BOARD OF PARDONS

Table "A"

Expense Account of State Board of Pardons

Date	In Favor of	Amount	Account of
Dec. 22, 1899..	Rocky Mountain Bell Telephone Co.....	\$.25	Toll.....
Jan. 3, 1900..	D. H. Hamilton.....	10 00	Stamps.....
Mar. 22, 1900..	Rocky Mountain Bell Telephone Co.....	.40	Toll.....
June 21, 1900..	Rocky Mountain Bell Telephone Co.....	1 .25	Toll.....
Sept. 22, 1900..	Rocky Mountain Bell Telephone Co.....	1 .75	Toll.....
Oct. 23, 1900..	D. H. Hamilton.....	20 00	Stamps.....
Nov. 30, 1900..	Rocky Mountain Bell Telephone Co.....	2 .95	Toll.....
	D. H. Hamilton.....	20 00	Stamps.....
		\$ 56 60	

Appropriation 1900, \$100 00.

TABLE NO. IV.

Showing Number of Pardons granted to inmates of the Penitentiary and of County Jails, and Number of Diminutions granted during Fiscal years ending December 1, 1899 and December 1, 1900.

1899.	Pardoned from Penitentiary by Governor Smith.....	12
	Pardoned from County Jails	4
	Total	16
	Diminutions Granted	106
1900.	Pardoned from Penitentiary by Governor Smith.....	22
	Pardoned from County Jail	5
	Total	27
	Diminutions Granted	75
No. of Persons Restored to Citizenship.....		4
No. of Fines Remitted		4

During the past year the Executive in more than one instance was required to exercise the pardoning power because the convict was not properly defended, and the record in each instance clearly showed that there was practically a denial of the right of counsel. The presumption of innocence attaches alike to the opulent and the indigent, and a constitutional provision that guarantees the right to appear and defend in person and by counsel is derided and disregarded when some person is selected where the accused is in indigent circumstances who is thoroughly ignorant of elementary legal principles, as is often the case. Courts are not to blame for this. If the legislature did not provide for the appointment of counsel in the case of indigent persons, and did not provide for the compensation to be paid, the court would be at liberty to select counsel to represent persons charged with crime whose competency would qualify them to protect the accused in the enjoyment of his constitutional and statutory rights. With the compensation provided the court is required to select an order of professional excellence in keeping with the sums allowed.

Section 1892 of the Penal Code which provides as compensation a sum not to exceed fifty dollars in capital cases, and in other cases of felony a sum not exceeding twenty-five dollars and in all other cases a sum not exceeding ten dollars should be unconditionally repealed, or else amended so that sums reasonable in amount be named to secure professional services to protect indigent defendants in the enjoyment of their lives and liberty.

Very truly yours,

T. W. POINDEXTER, Jr.,
T. S. HOGAN,
C. B. NOLAN.

